THE LATTER-DAY SAINTS'

MILLENNIAL STAR.

"O house of Jacob, come ye, and let us walk in the light of the Lord."—ISAIAH.

No. 44, Vol. XXXIII. Tuesday, October 31, 1871. Price One Penny.

FORTY-FIRST SEMI-ANNUAL CONFERENCE OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS.

(From the Salt Lake Herald.)

Friday, Oct. 6, 1871.

Conference was called to order at 10.15 a.m., by President George A. Smith.

Singing by the Tabernacle choir. Elder Orson Pratt offered up prayer. Choir sang, "See all creation join," &c.

Elder Wilford Woodruff first spoke. Treating on the knowledge which the Latter-day Saints have of the truth of the Gospel, he held that they did not possess that testimony because Joseph Smith [illegible] had it and was a Prophet, but by the inspiration of the Almighty which they have received through their obedience to the truth. He had known Joseph Smith personally and well; had been with him in his private councils and heard his public teachings; and never heard him enunciate a principle that did not sustain Gospel truth, the purest morality, and the utmost devotion to the Constitution of our country. He was a Prophet called of the Almighty to open a new dispensation, to teach the Gospel to the children of men; and the Spirit which animated him ever prompted him to do good to all mankind. His enemies did not know him; they reviled him and spoke evil of him continually, and finally killed the man who labored with all the powers he possessed for fourteen years, two months and some odd days, to do them good and to bless all mankind. The speaker testified that Joseph Smith was a true Prophet; that his prophecies so far have been fulfilled, and are being fulfilled; that he was a man of peace, who sought to teach the world principles by which they might live at peace and enjoy the blessings of heaven and earth. Comparing the present dispensation with that in which Noah lived, he said that God had ever been with the Latter-day Saints. He had been acquainted with President Brigham Young since 1833, had known him well for all that time, and had never heard him give a word of counsel to friends or enemies but tended to preserve peace, to sustain law and order, and to uphold the Constitution of our country. President Young had traveled a hundred thousand miles to preach the Gospel without purse or scrip, humble and faithful; his works have been before the world, and his influence and means have ever been used to do good to mankind, to gather together the poor of Israel, and make the people peace-

ful, comfortable, and happy. The speaker invited the people to look at the fruits and judge if the tree was good. He treated of the character of the Gospel and its effects upon those who receive it, holding that it ennobles, purifies and exalts all who embrace its principles and govern their lives by them. He rejoiced that he had a name among those who had received the Gospel, which he had been called upon by revelation to preach; and knowing it, knowing its effects, knowing that it was eternal and revealed by the Almighty, he dare not do other than speak the truth as it had been made known to him; and in all solemnity he bore testimony to the truth of the work of God in which he was engaged. He followed with a eulogy of the Constitution of the United States, which guaranteed, he said, to every man the fullest civil and religious liberty. But when required to obey the commandments of God in opposition to the demands of men who laid plans to entrap the servants of God, the example of Shadrach, Meshach and Abednego, and that of Daniel in the lion's den, showed what was the duty of the servants of God. There never had been a more law-abiding, peaceable people on the earth than the people of God in ages past, with the Prophets and Apostles, nor than the Latter-day Saints; but whatsoever required the people of God to reject a commandment of the Lord was of evil. He urged the people to be humble, faithfully obey the Word of Wisdom, and keep the commandments of God that they might be saved.

Anthem by Professor Fishburn's Brigham City choir.

Elder Charles C. Rich was happy to meet with the Saints in Conference, and to hear the testimonies of the speakers who had preceded him. He had been a member of the Church nearly forty years—it would be forty years next April since he was baptized. During that time he had been constantly with the Saints, and it had been to him a pleasure all the time, for whatever difficulty had to be encountered the knowledge of the truth had buoyed him up with his brethren. He had wondered that the world, in looking at the fruit which obedience to the Gospel has produced among the Latter-day Saints, did not sustain and cherish principles producing such good results, instead of seeking to destroy those who believe and practice them. The world know there is union, happiness, and peace existing among the Saints. Why should men seek to destroy this condition of things? Simply, he urged, because that which is wicked is constantly opposed to good, and ever seeks to uproot and destroy it. The people should examine themselves and see whether they had received and were obeying principles which were making them better, purer and happier. It was always charged that the Latter-day Saints were *led* by somebody, Joseph Smith or Brigham Young; but whenever God had a people on the earth, they were united and guided by the voice of revelation. He testified that he knew for himself of the truth of the work, that Joseph Smith was a true Prophet, and that Brigham Young was continually led by the inspirations of the Almighty; the work of God would grow and prosper, and triumph over all opposition.

Anthem by the Tabernacle choir.

Elder Geo. Q. Cannon pronounced the benediction.

Adjourned till 2 p.m.

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2 p.m.

Conference was called to order as per adjournment.

Singing by the Tabernacle choir. Prayer by Elder Horace S. Eldredge. Hymn by the Tabernacle choir.

Elder James S. Brown spoke of the testimony which the Latter-day Saints had received, and which had induced them to rend the ties of family and friendship, to leave the different countries of which they were natives, and to face difficulties and dangers of many kinds, in obedience to the commandments of God. This testimony, he held, was more certain than the hearing of the ear, or the seeing of the eye; and this testimony he had received with the thousands of the Latter-day Saints who were living in obedience to the Gospel. He held that the Bible was the history of a polygamic people, that the very first verse of it was

written by a polygamist, and that every Gospel blessing which the world receives comes through that polygamic lineage.

Singing by the Fishburn choir.

Elder W. W. Cluff was pleased at an opportunity of standing before the Saints in Conference, and desired to be led in his remarks by the Spirit of God. He spoke of the faith which animated the Elders in going forth on missions to the nations, and the people who receive their testimony in gathering together to serve the Lord. He had recently returned from a mission to Europe, where he had frequent opportunities of addressing congregations in Denmark, Norway and Sweden, and he desired nothing better while absent than an honest congregation to preach to. Many had embraced the Gospel while he ministered in those lands, and some of them had come to Utah with the past season's immigration. There still were many there who earnestly desired to emigrate here, but were too poor to come, and looked for help from Utah. He had promised them that if an opportunity offered he would lay their case before their friends in Utah, and would now do so, addressing himself more particularly to the Scandinavian Saints.

Elder Cluff then spoke in the Danish language for some time, depicting the condition of the people for whom he was pleading, urging relief for them upon their friends and compatriots in these valleys, and inculcating upon his audience faithfulness in serving the Lord.

Elder Geo. Q. Cannon was pleased to hear the Elders bear testimony to the truth, for it served to strengthen the faith of the Latter-day Saints, and their desires to work righteousness. One of the most peculiar things of this peculiar work of the latter days, was the universality of the testimony which the Saints everywhere enjoyed. How strange it seemed that an uneducated boy, of the State of New York, should give to the world a system of principles and church government harmonizing in every respect with the Apostolic Church of Scriptural times? Was this imposture? If so, where could mankind go to look for truth? And where could there be found such a united and universal testimony to the truth of the principles taught by Jesus and his Apostles as the Latter-day Saints bear? Men, though uneducated, had received and been empowered by the Holy Priesthood, and all uneducated as they were, they went forth to the nations bearing testimony to the truth of the Gospel; and where their testimony was received, and the honest in heart obeyed the commandments of God, through the laying on of hands, they also received the same spirit of inspiration, and had a similar testimony of the truth. Elder Cannon added his testimony to those which had been previously borne.

A meeting of the various Quorums of Elders was called by President Geo. A. Smith for 7 p.m., in the Old Tabernacle, principally to consider matters relative to the building of the Temple.

Tabernacle choir sang an anthem.

Benediction by President Daniel H. Wells, and Conference adjourned till 10 a.m., October 7.

After adjournment the Fishburn choir sang the "Mountain Brave."

(From the Deseret News.)

7 p.m.

The Priesthood meeting in the Old Tabernacle was well attended, the building being completely filled. Bishops John Sharp and Edward Hunter, President D. H. Wells and Elder Wilford Woodruff were the speakers, each of whom spoke with great power, imparting valuable instructions regarding the building of Temples and kindred subjects. It was concluded to build a Temple in St. George, and, if possible, to complete the mason work of the same during the coming winter.

Saturday, Oct. 7, 10 a.m.

"Come, listen to a Prophet's voice," was sung by the choir.

Prayer by Elder Joseph F. Smith.

The choir sang, "Come, all ye Saints who dwell on earth."

Elder Isaac Groo said we were a peculiar people. The people of God in all ages had been regarded as such by the bulk of mankind. The Latter-day Saints were peculiar because they warned the world to abandon their sinful ways and turn to the Lord.

When the generations of men had been thus warned by the servants of God in all ages, and those warnings had been unheeded, the consequences had been disastrous to the disobedient. The same results would follow the warnings uttered and testimonies borne by the Elders of Israel in these days. He referred to the 3rd chapter of the Acts, in support of the belief of the Latter-day Saints in the doctrines of faith in Jesus Christ, baptism, by divine authority, for the remission of sins, and the laying on of hands for the reception of the Holy Ghost. He testified that he knew that the Latter-day Saints taught and practised the same Gospel that was taught by Jesus and his ancient Apostles, and spoke of the prophetic sayings of Paul and others with regard to the falling away from the true plan of salvation and its ultimate restoration in the last days, showing that those predictions had been fulfilled. The wicked might scheme and plan for the overthrow of God's work, but all their plots would utterly fail. This work would never stop, but would triumph over all its enemies. He exhorted the people to sustain the Priesthood and not indulge in finding fault with God's anointed. He knew that Joseph Smith was a Prophet of God, and that Brigham Young was his legal and duly authorized successor; he knew this by revelation from God.

"Up, awake, ye defenders of Zion," was sung by the Fishburn choir.

Elder David McKenzie felt that he was in the house of his friends, among those whose hearts were open to the revelations of the Almighty. He had no disposition to say anything that would cause any additional friction to the ill feeling which, to say the least, had been most maliciously stirred up by certain parties. His disposition was more to pour oil on the troubled waters. He would say that if those endeavoring to cause trouble here would repent of their sins and seek unto the Lord for wisdom to enable them to administer even-handed justice, they would feel much better than they now did. He continued to speak on the doctrine of plural marriage, and quoted the Scriptures in support of the faith of the Latter-day Saints concerning that order. If those adopting and practicing that law were, as claimed by some, guilty of "lascivious cohabitation," why did not the Lord check it among ancient Israel? He quoted from the history of the Reformation to show that Melancthon, Luther and other great reformers were of the decided opinion that there was nothing in the Gospel of Christ which set aside the law of Moses relating to marriage. Polygamy originated by revelation from God, and he wished to know whether it would not be as consistent for certain parties to send their Marshal, with a writ, after the great originator of the doctrine, as to taking their present course toward certain respected citizens.

In the days of Joseph Smith, the Prophet, there was not a true Elder in the Church who would not have freely sacrificed his life rather than that Joseph's blood should have been shed. He wished to know whether the feelings of the people were different today with regard to President Young. The response of the vast congregation was, "No!"

"We thank thee, O God, for a Prophet," was sung by the Fishburn choir.

Bishop Elijah F. Sheets made some remarks principally concerning the law of tithing and the building of Temples. Were the Savior to come to the world now, he would not have a house to come to. We looked forward to his second advent, and when he did appear, he would suddenly come to his Temple. The duty of this people therefore was to pay their tithes and offerings, that a place might be prepared to receive him, and in which the holy ordinances for the living and the dead could be given and received, that the connecting link might be formed between us and our fathers who have gone before us, for the faith of this people taught them that they would have the privilege, if faithful, of striking hands with their ancestors in the kingdom of God. Let the people therefore pay their tithes and offerings, that the storehouse of the Lord might be filled, and pay them in their kind and at the proper time. He knew that this was the work of God, that Joseph Smith was a Prophet, and

that Brigham Young was his rightful successor.

He spoke of the past history of the Church, showing that each time the Saints had been driven it had increased their strength, and said that if their enemies wanted them to stop growing, the best thing they could do would be to let them alone.

The choir sang "The Seraph's anthem."

Conference adjourned till 2 p.m.

Prayer by Elder B. Young, jun.

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2 p.m.

The names of the following brethren were presented as having been selected to go on missions to the Eastern States, who were unanimously sustained—

Charles A. Davis, William H. Gay, Spanish Fork.

William H. Miles, S. L. City.

Thomas Stead, John Wood, Truman Leonard, Henry Moon, John S. Gleason, Charles Boin, Alan Burk, E. T. Clark, Daniel A. Miller, Farmington.

Walter Stevens, Holden.

Collins Hakes, Kanosh.

Gabriel Huntsman, Fillmore.

William A. Follett, Edson Whipple, James Bean, jun., Robert T. Thomas, sen., Wm. Haws, Orin Glazier, Joshua Davis, Provo.

Jacob Houtz, sen., Wm. H. Kelsey, G. D. Wood, Springville.

Charles Hubbard, North Willow Creek.

Robert Henderson, Charles Harding, Omer Call, George J. Marsh, John Ousterhouse, Willard City.

Thomas Lee, Orson P. Bates, Robert McKendrick, David H. J. Caldwell and John J. Childs, Tooele City.

Alma H. Hale, Wm. C. Martindale, Edward Hunter, Benjamin F. Barrus, Cyrus Bates and Samuel W. Woolley, Grantsville.

Israel Canfield, G. Rufus Stewart, Clinton Wilson, John R. Pool, Warren G. Child, Thomas Bingham, Jonathan Campbell, Dudley Chase, Jonathan Browning, B. C. Crichelow, P. Green Taylor, William Ellmer, Nathan Porter, Ogden.

[TO BE CONTINUED.]

CRUSADE AGAINST RELIGIOUS LIBERTY.

The flimsiest pretext that was ever invented to veil gross injustice is the attempt to conceal religious persecution under the proceedings now being instituted by the court of this district and its officers against leading citizens of this Territory. The Latter-day Saints have for many years proclaimed their religious belief in the doctrine of celestial marriage, that God had revealed it, that he had commanded them to obey it, and that their eternal salvation depends upon their strict compliance with the requirements of the revelation upon the subject. There has been no concealment of the reasons which have prompted them to adopt this belief and to enter upon its practice—the world have been made familiar with them. There are but few, if any, intelligent, reading men and women in Christendom who do not know that the Latter-day Saints believe in and practice, as a matter of religious faith, the order of marriage believed in and practiced by the Patriarchs. It is also known that their marriages are solemnized in a manner and according to an order and by an authority which they hold as most sacred and binding; that, in fact, they believe they are united for time and for all eternity, and that, whether they have but one wife, or two, or more, they are all united in the same manner and by the same ordinance, it being the only form of marriage which is believed to be acceptable to the Lord.

That the Latter-day Saints entertain this belief, and that it is one of the doctrines of their religion is, therefore, a matter of public notoriety. We know that the future hope of every faithful Latter-day Saint of eternal life in the presence of God is bound up in this belief, and that the people would rather die as martyrs (for as

such they would view themselves) than abjure it.

Men may say this is not a proper subject for religious belief, and deride the idea of a people claiming this as a part of their faith; but does this denial or derision alter the fact? The faith still exists, as we know, in the breasts of married and unmarried, those with but one wife as well as those who have a plurality of wives, including the entire people.

In their anxiety to prove that this is not a proper subject for religious belief, and that it should not be recognized as such, some persons have quoted the example of the Thugs of India, and have asked whether, if they resided under the government of the United States, they should be permitted to commit murder under the name of religion.

The two cases are not analogous. There is a very wide distinction between honorable marriage and murder, and no amount of sophistry can abolish this distinction. Marriage does not destroy life, it perpetuates it. Marriage does not break down society, it builds it up. By continued murder the safeguards of society are shattered, insecurity and terror prevail, and the land is emptied. By wide-spread marriages the foundations and barriers of society are strengthened and enlarged, peace and good order are guaranteed, social excesses and abuses are checked, and the land is peopled. To adduce the practice, therefore, of men who believe murder to be a religious duty, as an argument against patriarchal marriage being admitted as a religious belief, only shows the straits to which some persons are reduced to make a case. We quote it as an illustration of the *reductio ad absurdem* style of reasoning.

To arrest men upon the charge made against two of our most distinguished citizens in the writs served upon them is, then, a most flimsy and ridiculous pretext. The Judge and officials wish to make a religious belief appear odious, to make it have the appearance of a crime. They dare not attack it in any other way. Their design in this is very transparent. History repeats itself in their proceedings. When the early Christians met in secret to partake of the Lord's Supper —as they were compelled to do for fear of their persecutors—their enemies took advantage of this and accused them of thus meeting for the purpose of slaying an infant and partaking of a cannibal feast. They said it was not the bread and wine— the emblems of the flesh and blood of the Lord's body—of which they partook, but the real flesh and blood of a human being, slain expressly for the purpose. Roman officials had, probably, as many scruples against attacking and murdering a people for religious belief as Judge McKean and the members of the ring have; therefore, it was necessary to circulate this horrible slander to furnish a pretext for their cruel proceedings. When they had blackened their characters and rendered them sufficiently odious, they could then assail them with some hope of being sustained by public opinion.

With equal cunning and devilish malignity do the Judge of this District and his companions in this plot act in their proceedings against Latter-day Saints. This accusation of "lascivious and unlawful cohabitation" is as false when made against the gentlemen sought to be victimized by these dark schemers, as was the charge of eating real flesh and blood made by Roman officials against the primitive Christians. It is to veil an attack upon the religious belief of the Latter-day Saints, to arouse indignation against them, to deprive them of all public sympathy, and to leave their enemies a clear field in which to operate to destroy them. Stripped of its thin disguise this is the design in all its hideousness.

Will it succeed? Did we live in another age and among another people we might fear for the consequences. But in Republican America, in the full light of the discoveries of this wonderful age of invention, with the printing press, the telegraph wire, and the rapid intercommunication of distant peoples, we have the most unfaltering confidence that the design will utterly, and for its authors, disgracefully fail. This war which is now being opened is between a ring of corrupt, plotting and unscrupulous officials and their followers, and the entire people of this

Territory. On their side they have the *prestige* which attaches to the possession of office; they have the usurped power which they have gained by setting aside the officers of the Territory; they have the selection and arranging of juries, also gained by trampling upon the laws of the Territory; they have the privilege of ruling out or ruling in law, to say that such a law shall have force or that another law shall not have force, as they may think will best subserve their purpose; and they have the devil and those who are subject to him to blow and strike for them, to raise a great outcry, to throw dust in the eyes of the people, and to manufacture public opinion to sustain them. These are their advantages.

The people of this Territory have the knowledge that they are entrenched in the right, and the strength and confidence which arise from that knowledge; they have the truth, the Constitution, the laws, the "sober second thought" of the people, and, above all, the God of heaven to rely upon.

The officials have all the advantages, apparently, to start with; we shall see how they stand when the struggle is ended. So far, with all these advantages, those who are assailed are willing to fight this battle in the courts. The officials did not expect this. Who could expect men to submit to be tried by their sworn enemies? To go into a court, the machinery of which had been carefully prepared to take every advantage, to strip them of every right and destroy them? As well might Elijah expect justice from Jezebel, Stephen from the High Priests, Peter from Nero, the early Christians from Domitian, Antoninus, Decius or Diocletian, or Luther from Pope Adrian after he had declared that "as a gangrened and incurable member he should be destroyed by fire." They expected flight or resistance. Either would have suited their purposes. Let any person read the despatches sent East and West by the members of the ring, and it will be seen that an excitement was desired: they hoped to have a great disturbance. Thus far they have been disappointed. Personally we view the proceedings of the present court as we would a mob court. We think we would be justified in resisting its process as we would those of a mob. This is our individual opinion. Yet if accused on the grounds some of our friends are, we might submit to it, go before it and be tried by it, because by so doing we would show the nation that we respected its authority, and that before an illegally organized court, with a jury which in other countries men would call "packed," on a trumped-up charge, and a case already pre-judged, we should not be afraid of meeting the issue, and having it decided, not by Judge McKean, but by the verdict of the country, whether religious liberty is to be proscribed, and men be degraded and denounced as criminals for their religious belief.

Evasions, disguises and pretexts cannot deceive the country, when the truth becomes known, respecting the character of this movement. It will yet be stigmatized as a crusade against religious liberty.—*Deseret News.*

And so the story runs thus—A divine, desirous of mixing prospecting and preaching, who was occupying a pulpit somewhere in the vast range of country between the Wasatch and the shores of Salt Lake, entered into a co-partnership with one who dealeth in filthy lucre. The man of sermons gave his soul to the work, and on a certain Saturday night had a number of goodly specimens wherewith to delight the eyes of his partner. But the religious fervor of his congregation wasn't greatly excited by the mineralogical success, and on the Sunday morning, when the hour for church arrived, there were only present the man of lucre who sought minerals and the man of minerals who sought lucre. Fifteen, yea, thirty minutes sped away, and lo! the congregation did not enlarge, while the sacred walls echoed the sighs which the preacher poured forth over his neglectful parishioners. When the half hour was marked on the dial, the man of piety arose, gazed vacantly upwards for a few moments, then turning his mournful eyes upon the assembled gentleman said—"My dearly beloved brother, shall we preach or pound quartz?" Piety was at a discount; and quartz beat preaching that time.—*Salt Lake Herald.*

THE LATTER-DAY SAINTS' MILLENNIAL STAR.

TUESDAY, OCTOBER 31, 1871.

THE ARREST AND TRIAL OF PRESIDENT BRIGHAM YOUNG.

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On Monday afternoon, Oct. 2, President Brigham Young was arrested at his residence in Salt Lake City by United States Marshal Patrick, on an indictment of the grand jury, found under the Statutes of Utah. (Laws of Utah, page 58, sec. 32.) The section provides that "If any man or woman, *not being married to each other*, lewdly and lasciviously associate and cohabit together, etc.;" and this, it is held, President Young has violated, and he has therefore been indicted for "lascivious cohabitation, etc., against the peace and dignity, etc., of the United States." The law in question was passed by the Territorial Assembly in 1852, and approved by President Young, at that time Governor of Utah. The Marshal having performed his duty, our President was left in charge of a *posse* of deputies, as his health was so poor that he had been unable to leave the house for several days.

The next morning Hon. Thomas Fitch, of the counsel for President Brigham Young, made application in the Third District Court for an extension of time until the following Monday to prepare, and as his client was sick and unable to appear in court, desired that bail should be taken, as he was nominally in charge of the United States Marshal. To this "General" Maxwell, the Deputy Prosecuting Attorney objected, and after some further remarks by Mr. Fitch, the court, after a number of the usual preliminaries to which Judge McKean is addicted, remarked that there was no necessity for the defendant to come into court until he had regained his strength. If there were any Deputy Marshals in charge of him they would be removed, and he could remain at his residence until Monday, to which time the extension was granted; but the bail could not be taken until the defendant plead to the indictment.

On Monday, 9th inst., at two p.m., President Brigham Young appeared in the court room over Faust's stable, Salt Lake City, before the Third District Court then in session. Messrs. Baskin and Maxwell appeared for the prosecution; Messrs. Fitch and Mann, Hempstead and Kirkpatrick, Hoge and Snow, A. Miner, H. Stout, and Le Grand Young for the defendant. An immense crowd had assembled outside, but only about fifty persons were admitted, as the building had been pronounced unsafe for a public assembly by the Inspector of Public Buildings.

Hon. T. Fitch, of the counsel for the defence, stated that the defendant was in court, and asked that he be admitted to bail. The court accepted Messrs. William Jennings and John Sharp as sureties, and fixed the amount of bail at $5,000.

Mr. Fitch then read a plea in abatement setting forth that the grand jury which found the indictment was not summoned and impannelled according to either the statutes of Utah or any other statutes, and its acts were invalid;

that one of its members had served on a grand jury within two years previously, and that two others had never been summoned.

The prosecuting counsel announced his intention of entering a demurrer to this, which position was sustained by the court. To this ruling defendant's counsel gave notice of exception.

Mr. Hempstead, for the defence, moved to quash the indictment, and argued, in support of the motion, that the indictment contained no less than sixteen separate charges of felony, ranging over a period of eighteen years, which was contrary to the established rules of criminal jurisprudence, was calculated to confuse the defendant in his reply to the charge, and was manifestly and glaringly unjust, and that it was in the discretion of the court to quash the indictment, or require the prosecution to elect one of the charges in the indictment, and confine the prosecution to it.

The motion was ably argued by Mr. Hempstead until the court adjourned, and the argument was resumed the next morning (10th), when the learned gentleman made a few remarks in support of his positions, quoting several decisions in point.

Mr. Baskin, for the prosecution, then proceeded in an elaborate reply to the arguments of the defence in support of the motion to quash the indictment. He quoted from numerous authorities, foreign and American, principally to show that it has long been a well-recognized practice in criminal procedure to incorporate in a single indictment general offences of a similar character, instead of bringing a distinct indictment for each offence.

The court adjourned till half-past 2 o'clock.

At the opening of the afternoon session of the court, "General" George R. Maxwell, Assistant District Attorney, made an argument of some length, quoting precedents and cases in support of the positions advanced by Mr. Baskin. The tendency of the argument of the counsel was that it is necessary to proceed upon all the counts in this indictment in order to make out a case against Brigham Young. The statute of the United States, he contended, failed to give the court a discretionary authority to direct the prosecution to elect upon which count of the indictment to go to trial. The counsel announced that he had a peculiar view in regard to this case. He was not sure but an additional count to the indictment might be legally framed charging the defendant with lewd and lascivious conduct with sixteen women at the same time. He alone was responsible for the idea; but he wished the court to consider it, when it is asked to separate crimes charged, and force the prosecution to search the country with a fine tooth comb to obtain evidence to prove that Brigham Young is guilty of lascivious cohabitation with either of the women named.

Hon. Thomas Fitch followed for the defence. The argument on this question, he said, was but a preliminary step in a case which promises to be one of the most important and interesting state trials on record—interesting to all English speaking people—important to the defendant and to this entire community. The defendant, who has already passed the allotted age of three score and ten years, is called upon during an eventful period of his life to answer to a charge of criminality with sixteen different persons, during a period of fifteen years. It is not necessary to dwell upon the circumstances of his eventful career. It is a case in which the arguments and decisions of the court will be carefully scanned. The counsel would not attempt to call the attention of the court to its grave responsibility. Whatever erroneous reports

of newspapers may be sent out to prejudge the case or inflame the public mind, whatever excitement may affect the public, the defendant is not responsible for. He has simply submitted himself to the authority of the law. He stands indicted by a grand jury selected in a manner unprecedented in any civilized country. Without any wish to criticise, it must be stated that the defendant stands indicted of grave criminal offences without any preliminary examination or notice extended to him, and he is absolutely precluded by a statute of Congress from an appeal to the highest tribunal of the land, having an appeal only to a court of which your honor is a prominent and influential one-third. There is much in all these circumstances to challenge the attention of an honest and conscientious judge—to place him upon his guard, while defending the interests of the Government and of the people of this territory, lest he should do injustice to the defendant, whose counsel only asks that if there be a doubt in the case the defendant should have the benefit of it, because no appeal, no writ of error, no motion in arrest of judgment can be entertained. The counsel said that the defendant may well be perplexed when called upon to answer to a charge of criminality of sixteen different offences committed with sixteen different persons. The prosecution may come into court with proof of one of the counts, while the defence, not notified, will have to prepare proof on the sixteen cases. They may take the detached sayings of an eventful life, and send out a roving commission to obtain evidence haphazard to apply to some detached part of the case. The counsel referred to the case of Blatchford, cited by the prosecution—the only case, he insisted, in point, which had been referred to by the prosecution. He said this judge was simply a circuit judge, of concurrent, but not of superior jurisdiction with the judge of this court. Quoting the statute of the United States relied upon by the prosecution, he contended that the words "properly joined" gave the court discretion in deciding this question. He made the point that this indictment alleged various offences against the Territorial laws of Utah and not against the laws of the United States. He should ask the court to rule that the defendant should be tried by the laws and procedure of the Territory. He should claim that the court, at any stage of the proceedings, had the power to arrest the trial and direct the prosecution to confine themselves to a single offence. If it be necessary, at whatever expense or danger to social or business interests, that the unlawful intercourse between the sexes be prohibited in Utah, if nowhere else, we ask that the trial be conducted according to law and precedents. I ask your honor in the determination of this case that the prosecution shall take the common law rule as laid down in the books, that they shall take the act of Congress as interpreted by your own best judgment, not because such an interpretation has been made by a court in Ohio or anywhere else, but by the exercise of that discretion of which you are possessed—that you shall exercise it in such a manner as will serve the interests of public justice as well as justice to the cause of the defendant to be tried for the crimes alleged—that you will not perplex and so confuse him. The proceedings connected with this trial will be sown broad cast throughout the country; you will not make a decision that will compel the defendant to come into court to be tried for sixteen felonies running through the course of nineteen years, some of them fifteen years apart. A decision of this kind would certainly startle the profession throughout the United States and the world.

The court adjourned till 2 o'clock the next day.

The court opened its session at 2 p.m. on the 11th, and announced that the decision on the motion to quash the indictment against Brigham Young, argued on the 9th and 10th, was postponed until the 12th, the court not having obtained the original copy of the motion.

On the 13th, Chief-Justice McKean delivered an opinion in which he overruled the motion to quash the indictment. The great body of this opinion is of a technical nature, and would be far from interesting to the majority of our readers. We cannot, however, refrain from printing its closing paragraph. The Chief-Justice states—

The learned counsel for the defendant need not be assured that any motion which they may make in behalf of their client, shall be patiently heard and carefully considered. Nor does the court intend to restrict them in their arguments, except upon questions already adjudicated. But let the counsel on both sides, and the court also, keep constantly in mind the uncommon character of this case. The supreme court of California has well said: "Courts are bound to take notice of the political and social condition of the country which they judicially rule." It is, therefore, proper to say, that while the case at bar is called "*The People versus Brigham Young*, its other and real title is, *Federal Authority versus Polygamic Theocracy.* The government of the United States, founded upon a written constitution, finds within its jurisdiction another government, claiming to come from God—*imperium in imperio*—whose policy and practices are, in grave particulars, at variance with its own. The one government arrests the other, in the person of its chief, and arraigns it at this bar. A system is on trial in the person of Brigham Young. Let all concerned keep this fact steadily in view; and let that government rule without a rival which shall prove to be in the right. If the learned counsel for the defendant will adduce authorities or principles from the whole range of jurisprudence, or from mental, moral, or social science, proving that the polygamous practices charged in the indictment are not crimes, this court will at once quash the indictment, and charge the grand jury to find no more of the kind."

On this opinion the editor of the Salt Lake *Herald* remarks—

While the opinion fails to meet some of the prominent points brought forward by the defence, and is confined to the general principles of interpretation of the statute of the United States and the cited decisions of the courts, no special criticisms of his Honor's reasoning or conclusions seem to be required at our hands. In fact, the decision is just what every intelligent citizen had expected it would be. To have allowed the motion, however strong the grounds for such action, would have brought the prosecution to a short stop, and obliged the roving commission which has been sent out to hunt up evidence against the defendant for a period of fifteen years, to be called in. The highly cultivated legal gentlemen who have with such infinite labor concocted a case under the Territorial law, probably more for the purpose of calling out evidence to suit some future exigency, or in other words forcing the "Mormons" to show their hands, than with any apparent expectation of obtaining a conviction on the present charges, had the motion prevailed would have been obliged to begin anew their labor of love in the interest, as they would have us believe, of the welfare and good morals of this community! Manifestly this would be a step backward, and the "twin relic" of the Chicago platform having already waited more than eleven years for suitable attention from the general government, now requires immediately and forcibly to be taken in hand. We are not prepared to dissent from this conclusion of the honorable court. If the politicians are in earnest in their crusade against the institutions of Utah, and regard the suppression of polygamy as necessary to their success in the coming presidential election, the people affected and threatened may at least rejoice that they will have an opportunity to know the worst and be relieved from the annoying uncertainty of the past.

The present religious crusade has not only a political, but a *financial* bearing, in which the ring is possibly the most deeply interested. The scheme is foreshadowed in the following paragraph from the London correspondent of the *Scotsman*—

A private letter from Washington, received in the city to-day, throws some light upon the sudden zeal manifested by the Federal authorities in Utah in their attempts to crush out polygamy in that Territory. The letter states that there has been formed, what in American parlance is called "a ring," for the purpose of obtaining the large landed estates of the Mormons, many of which are of great value; that Judge McKean, under whose directions the present prosecutions against the Mormons are conducted, is a member of this ring; and that the plan of the ring is to obtain convictions by the verdict of packed juries, to sentence the convicted persons to imprisonment and to the payment of heavy fines, to seize their estates for the satisfaction of these pecuniary penalties, sell them at a mock auction for a song, and buy them in for the ring at a merely nominal figure. It is probably to this conspiracy that the wives of the Mormons refer when they petition President Grant, as stated in a Reuter despatch, 'to prevent a clique of Federal officers from destroying their honest, industrious, and happy homes.' The letter adds that the best legal authorities look upon the whole of Judge McKean's proceedings as illegal. Congress has passed no law prohibiting polygamy, and in the absence of such a law, any conviction obtained would be certain to be set aside upon appeal to a supreme court.

The following is the telegraphic despatch referred to in the above correspondence—

NEW YORK, Oct. 26.—A petition signed by 2,500 women of Utah has been presented to President Grant asking the interference of the Executive to prevent a clique of Federal officers from destroying the honest, industrious, and happy community. The petitioners also express their approbation of polygamy.

Our advices from Salt Lake City only reach to the 13th. We hope to be able to give further details of this important trial in our next.

We understand that President Daniel H. Wells, Elder Geo. Q. Cannon and others have been arrested on the same charge, and severally held to bail in the sum of $5,000. Messrs. Thomas Taylor, Henry Dinwoody and David Day were the sureties for President Wells, and Elders John Taylor and Wilford Woodruff for Elder Cannon.

ARRIVAL.—Elder Charles Matthews, of Panacca City, Nevada, arrived at Liverpool by the steamship *Idaho*, on the 29th inst. He left Salt Lake City on the 11th, and New York on the 18th, and continued his journey on the 30th inst. to visit his friends in Worcestershire and elsewhere, the object of his coming to England.

OPPOSITION TO THE TRUTH.

Nothing can be done against the truth, but for it. Circumstances of an opposing nature may apparently overwhelm it temporally, but by and by the storm subsides, the clouds disperse, the sun breaks forth as brightly as before, and the rock of truth is seen again firm and enduring as ever. It is the same with principles. There never was a new and needed principle promulgated, or an old and needed one restored to notice and new development, that was not met by storm after storm of opposition and abuse, and followed up and relentlessly pursued thereby, until it was manifest

that the new or newly presented principle had obtained such influence that it would no longer pay to oppose it. Then is the time the abuse and the opposition cease, or become so weak and local as to be no longer worthy of notice. But at all other times the opposition and the abuse ebb and flow like the tide.

Thus it is in regard to what the world knows as "Mormonism." It is a system of needed truths, some new, some old, but which had become practically obsolete. From the beginning unmeasured opposition and abuse have met and followed and sought to overwhelm it, but in vain. Though sometimes struck at fiercely and apparently near utter destruction, yet, in one way or another, it has invariably triumphed over its enemies, and has advanced with mighty strides while they have retrograded.

Opposition to the principles of "Mormonism" now and henceforth will have the same results—the truth, though overshadowed for a time, will ultimately triumph. This is just as sure as that the sun will shine again after it sets or is obscured by clouds. Storms and clouds, physical, religious, social, or political, do not endure forever, they are only temporary and often evanescent, while the truth does and will endure unimpaired and immutable through all eternity, and those who abide by it will partake of its character and share in its triumphs. —*Deseret News.*

THE GROUND WORK OF THE TROUBLE.

There are conflicting views relative to the present condition of affairs in Utah. People here and people at a distance differ in their opinions as to the cause of the trouble. Some maintain very earnestly that it is an effort to carry out the Chicago platform of the Republican party. Others, who understand the objects of certain parties here, hold that it is more than this, and means a religious crusade for political purposes. To openly attack a religion is so flagrantly unconstitutional, so anti-republican, and so contrary to the genius of American institutions, that few would have the boldness to attempt it; and therefore the attack is first made covertly and under a false guise, lest the American people should understand the truth, and repudiate it so emphatically that all concerned in the attempt would be compelled to stop short.

When Dr. Newman attacked polygamy on Biblical grounds, with one of the present Utah judges as one of his chairmen, they, with the church organization which they represented, and of which the President of the United States is a member and an office holder, recognized the religious element of the discussion. Unable to cope with his opponent in argument, and departing from Utah beaten on his own grounds, the next move was to attack by a show of law, or by any and every means power could command, the faith of a community which they could not overthrow by argument. That is point the first.

The second rests upon it. The public mind has been excited against the "Mormons" and against polygamy, by most outrageous misrepresentations; and now it is believed if a successful move can be made against the religious faith of the "Mormons," by an attack on polygamists, it will add votes to the party so successful. United States officials in Utah to-day, who are among the most active in the present crusade, do not hesitate to say that they care nothing about polygamy, it is something of an entirely different character they aim to reach. Will thinking men reflect?—*Salt Lake Herald.*

Twenty-five miles an hour is shown, by signal service observation, to be the average velocity of a storm; when it has twice that velocity it becomes a tornado.

"THE UTAH CONSPIRACY."

A week or more ago private intelligence from Salt Lake led us to predict impending serious trouble between the Federal authorities and the people of the Territory. That prediction was repeated yesterday in a paragraph which was printed before we had seen the telegram confirming it, that Brigham Young, and other Mormon leaders, had been indicted and arrested, not merely for the crime of polygamy, but also for the higher crime of murder. It was a knowledge of what was coming that led us to anticipate what is no longer a secret.

Sitting upon the Utah bench is a man by the name of McKean. Like most other Territorial Judges, this man is a New York export, a broken down and disappointed man, whose life has been hitherto devoted to gratifying inordinate lusts for public station and power. His appointment as Chief Justice of Utah was in the nature of a miraculous resurrection from the dead. Fired by the relighted embers of almost extinguished hopes, McKean began to study the way, and conjure up the means, of regaining in Utah what had been so hopelessly lost in New York. His throne was the bench and his weapon the law. He was scarcely warm in his seat before he was the recognized head of a conspiracy to destroy the peace, raze the institutions, and, if possible, take the lives of selected victims in the Mormon leadership. Judicial decisions and sectarian orations were delivered from the bench with equal frequency. When they did not excite the contempt, they provoked the ridicule of the press and people of the country. The dragnet of religious hate and political ambition was spread out for those, who, parties to former schisms and conflicts in the Mormon Church, confessed murderers and desperadoes whose homes and prey were in the mountains, and similar wretches, who, to save their own lives, or to wreak long cherished revenges, could be induced to swear away the lives of the best men whom we have ever known. The notorious Bill Hickman, a self-confessed murderer, whose hands are said to be red with the blood of many innocent victims, is the boon companion, as well as the tool, of these Utah conspirators. It is presumed to be on his and kindred testimony that Brigham Young, and other leading Mormons, have been indicted for murder. But all the Hickman hell-hounds and Morrisite outlaws which McKean and Baskin, his attorney, can fish up from the lower depths of infamy, cannot convince tens of thousands who know those men, that they are really guilty of such crimes.

This conspiracy began with the advent of the existing herd of Federal mercenaries to Utah. It crystalized under the agitation of the Cullom Bill which was drawn in Salt Lake. The object was to break down the political power of the people who had conquered Utah from a desert waste into a beautiful garden. This was necessary to enable these malignants to occupy, possess and control it. With the fall of the Mormon power McKean, Woods & Co. were to bring Utah into the Union as a State, and become Senators of the United States and heroes in a land already suffering from a surfeit of such. The Cullom Bill failed. Far-fetched edicts of the law, promulgated through stump speeches from the bench, likewise failed. The sceptre, not yet grasped, was departing. Something must be done. Criminal statutes must be invoked. Proofs of crimes other than that of polygamy must be secured. But before this is permitted, in pursuance of a deliberate plan, decisions must be promulgated whereby, under a thin disguise, Mormons, on account of their religious beliefs and practices, must be excluded from juries which would be thus necessarily constituted of their deadliest enemies—men who would do the known wish, if they did not obey the actual behests of their desperate masters. And this is but a brief outline of a conspiracy which aims, at whatever cost, to destroy men and institutions in a Territory whose civi-

lizing and industrial achievements are the admiration of mankind.

In all the past agitation in Utah, relying upon the law abiding character of a people by all odds the most orderly, and in most respects the best governed, whom we have ever known, we steadily refused to accept the theory of what has been called a Mormon War. But there is a crisis now impending there involving imminent danger of outbreak into open violence and bloodshed. We do not say that this will positively occur, but the danger of it is imminent, and it will not surprise us at any moment to hear of such a disaster.

In view of the vast interests that would be involved in such an event, we look upon it as a possibility, nay, an imminent probability, that is calculated to excite the gravest apprehension.

The men who are bent on producing this calamity, must be checked in their mad career, or it will be perfectley certain to occur. They can neither incarcerate nor hang Brigham Young, Daniel H. Wells, George A. Smith, Geo. Q. Cannon, and other men of this stamp under the forms of law, without raising a storm which even these men would be powerless to control, and which would be sure to result in a great destruction of property and other interests, as well as of life. The mining and railroad interests would be vastly damaged if not temporarily destroyed by such a conflict. And there is no use in mincing matters. Plain talk is what is now wanted, and the authorities at Washington should be promptly invoked to avert these possible disasters. They concern great interests outside of Utah, as we shall most certainly ascertain if matters there are pushed to extremities.

The Mormon people are an honest people. They are terribly in earnest in upholding their religion. Deluded they undoubtedly are, but this does not alter the fact that no people on the round earth are more ready to do, dare, and die, than they are in defence of their religious faith and institutions. Driven to despair of justice at the hands of their sworn enemies, there is not a true Morman in all Utah who would not put the torch to his own home, and return the garden which his labors and sacrifices have produced to its original wilderness of desert. Armies cannot prevent general ruin and desolation in that Territory if ever the flame of war is lighted.—*Omaha Herald.*

UTAH NEWS.

The following are from the *Salt Lake Herald* to Oct. 9.—

The grand jury had been adjourned until Nov. 13.

The rates on the freight of ore and bullion shipped at Ogden had been reduced over the line of the Union Pacific Railroad Company.

Two detachments of the 13th infantry, numbering 111 rank and file, had reached Camp Douglas from Fort Steele. Colonel Morrow had also returned to Camp Douglas.

The Omaha *Herald* says Bill Hickman's intended arrest was known to that villain days and weeks before it occurred. Can the "ring" answer? Do they not stand confessed the accomplices of a desperate and avowed murderer, to attempt to suborn testimony to swear away the life of a great and good man, actuated by malice and revenge? They can answer, and so will the world.

A correspondent says—During a visit to Provo, I learned that the genera impression is that the late Mrs. Davis found a premature grave through the terrible fright she got the night of the drunken raid on Mr. Baum, by the U.S. Deputy and his *posse* from Salt Lake. It is also well understood that the military raid made last year on the citizens of Provo, caused the death of Jane Miller, who was driven into the field at the dead hour of night, in her night clothes. The result was she took a death cold, which terminated her life prematurely.